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August 18, 2023

Via ECF

Honorable Taryn A. Merkl, U.S.M.J.
United States District Court Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Star Auto Sales of Bayside, Inc., et al. v. Voynow, Bayard, Whyte and Co., LLP
(“Voynow”), et al.
Case No.: 1:18-cv-5775 (ERK) (TAM)

Dear Judge Merkl:

This firm represents the Plaintiffs (“Star”), and we submit this a joint request with Defendants’ (“Voynow”) counsel, Maureen Fitzgerald, for leave to file a joint twelve (12) page letter (seven (7) pages in excess of your five (5) page limit), in addition to exhibits, regarding the following two (2) anticipated discovery motions: (i) Star’s anticipated motion to quash a subpoena that was served on August 4, 2023, on Star’s new accountants, Withum; and (ii) Star’s anticipated motion to preclude the use of documents produced by Voynow on June 30, 2023 after the close of discovery. This request is necessitated by the nature of these anticipated motions and numerous arguments by both sides. In the alternative, Star respectfully requests leave to submit formal motions related to these two issues.

Star also respectfully reminds the Court that two (2) issues raised by Star in the parties’ joint submission filed on June 7, 2023 (ECF No. 102) remain unresolved. On August 4, 2023, Voynow submitted a letter to the Court (ECF Doc. No. 106) reminding the Court about the June 7, 2023 joint letter, but Voynow’s August 4, 2023 letter solely addressed the portion of the June 7, 2023 letter concerning a dispute raised by Voynow, and omitted from their letter that disputes raised by Star remain unresolved. The Court subsequently ruled on the issue Voynow raised in its August 10, 2023 Order but did not rule on the issues raised by Star. Except for the Court’s August 2, 2023 ruling on expert discovery, the issues raised by Plaintiffs (listed as items nos. 2 and 3 contained in the Parties’ June 7, 2023 joint letter) remain before the Court to decide. Items 2 and 3 are as follows:

2. Star’s Second Request for Documents; Demand No. 9: A sample of documents (i.e. different time periods and different services) concerning Defendants’ retainers or engagement letter with other automobile dealers involving services other than tax work since January 2010 (See ECF No. 102, at 2-4);

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3. Star's Fourth Request for Documents; Demand No. 6: All Documents Concerning checklists Voynow used regarding review engagements for automobile dealership clients as referenced in David Kumor's deposition (See ECF No. 102, at 4-5).

We are available for a conference with the Court should that be required.

Thank you for your time and consideration of this matter.

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

/s/ Jamie S. Felsen

cc: All counsel of record